

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

Rec'd
5-12-95

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In the Matter of:

**Amendment of Section 73.606
(b), Television Table of
Assignments; Tazewell, TN**

Docket No. _____

RM No. _____

TO THE COMMISSION:

**Petition for Rule Making to Modify
Television Table of Assignments**

FEDERAL COMMUNICATIONS
COMMISSION
OFFICE OF THE
SECRETARY

MAY 18 '95

RECEIVED

**Comes now James F. Stair, II, hereinafter {"Petitioner"} before the
Federal Communications Commission pursuant to Section 1.401 of the Rules
of the Commission, respectfully requesting the institution of rule making
proceedings looking toward the amendment of Section 73.606(b) of its rules
and regulations so as to ADD Commercial Television Channel 48 to Tazewell,
Tennessee. In support thereof, this petition is hereby submitted:**

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<u>City of License</u>	<u>Present</u>	<u>Proposed</u>
Tazewell, TN	none	48

Statistical Background

Tazewell, Tennessee is co-located with the adjacent town, New Tazewell, in Upper Central East Tennessee in Claiborne County. According to the 1990 U.S. Census, Tazewell had a population of 2,150, while New Tazewell had a population of 1,861 for a total population of 4,011 persons. Claiborne County, Tennessee had a 1990 population of 26,136. Significant areas of population other than the Tazewells' include Harrogate (3,821) and Cumberland Gap (210).

Claiborne County, TN has nine {9} primary, three {3} secondary, one {1} parochial, and two {2} vocational-technical schools, in addition to Lincoln Memorial University. The County is further served by a major hospital, three {3} parks, {3} golf courses, twenty {20} restaurants, and 143 churches.

Industrial growth is provided for in two {2} area industrial parks, where more than thirty {30} major industries are located. The major employers in the area are England Furniture Manufacturing, DeRoyal Industries,

Incorporated, Bushline Furniture, Incorporated, Signal Knitting Mill, and Clalborne Textiles.

The Clalborne County labor force totals 12,440 of which 11,870 are employed and 570 are unemployed for a rate of 4.6% in October 1994. County median household income is \$ 17,132 with 6,541 persons or 25.7% falling below the poverty line.

Current Media

Currently, Tazewell, TN has one AM (WNTT) and one FM (WCTU) station, while nearby Harrogate also has one AM, one commercial FM, one educational FM, and two LPTV stations. The area has one daily newspaper (The Daily News), and two weekly newspapers (Clalborne Progress and Tri-States News). Neither Tazewell nor Clalborne County, Tennessee currently has a full power television station.

Technical

The Tazewell, TN post office is located at 36-27-12 NL and 83-34-14 WL. This location is in the downtown business district and is in a low lying area not suitable for television transmission. The post office coordinates are clear of restriction from the allocation freeze. So as to provide for a more realistic allocation, the coordinates of the local FM Station (WCTU (FM) were used for allocation purposes. This site is located near Tazewell (.9 miles from the post office) and is at a significant elevation for a television antenna site and has electrical power and road access available. Current owners of the FM station have expressed a willingness to provide building and tower space at fair market values provided the allocation sought herein is granted. The coordinates of the site and those used for allocation purposes in this instant proceeding are 36-27-32 NL ; 83-35-07 WL.

As is shown in the attached Allocation Study, Television channel 48 may be allotted to Tazewell, TN consistent with all Commission spacing requirements and in compliance with the "Freeze" imposed in 52 Fed Reg 28346, July 29, 1987.

Freeze Eligibility

In 1987, the Commission imposed a freeze on television applications and allotments in the vicinity of specified urban areas, that is, the top 30 markets. The reference coordinates used are from Section 76.53 of the Commission's rules for each city. The proposed allocation is in TV Zone II and would, therefore, require a distance of 174.5 miles (Co-channel spacing) in order to be eligible.

Atlanta, GA	192.1
Charlotte, NC	175.6
Nashville, TN	179.6

ALLOCATION STUDY

for: TV Channel 48

36-27-32 NL

83-35-07 WL

TAZEWELL, TN

Ch	Srvs	City	St	Req	Actual	Status
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CO-CHANNEL

48	TV	Huntsville	AL	174.5	205.3	CLEAR
48	TA	Columbus	GA	174.5	286.5	CLEAR
48	TA	Owensboro	KY	174.5	214.7	CLEAR
48	TV	Greensboro	NC	174.5	213.3	CLEAR
48	TA	Greenwood	SC	174.5	176.3	CLEAR

ADJACENT CHANNEL

47	TA	Macon	GA	54.5	249.7	CLEAR
47	TV	Rocky Mount	NC	54.5	318.1	CLEAR
47	TA	Columbia	SC	54.5	223.8	CLEAR
49	TV	Bainbridge	GA	54.5	392.6	CLEAR
49	TA	Carrollton	GA	54.5	215.7	CLEAR
49	TV	Paducah	GA	54.5	303.4	CLEAR
49	TV	Spartanburg	SC	54.5	147.0	CLEAR
49	TA	Charleston	WV	54.5	169.0	CLEAR

Chan	Srvs	City	St	Req	Actual	Status
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IF Beat & Intermod CHANNELS

40	TV	Anniston	AL	19.5	229.5	CLEAR
40	TV	Bowling Green	KY	19.5	149.0	CLEAR
40	TV	Fayetteville	NC	19.5	266.3	CLEAR
40	TV	Anderson	SC	19.5	145.2	CLEAR
40	TV	Bluefield	WV	19.5	139.1	CLEAR
43	TV	Louisville	AL	19.5	343.5	CLEAR
43	TV	Myrtle Beach	SC	19.5	323.3	CLEAR
43	TV	Knoxville	TN	19.5	38.7	CLEAR
44	TV	Gadsden	AL	19.5	228.1	CLEAR
44	TV	Valdosta	GA	19.5	364.6	CLEAR
44	TV	Harlan	KY	19.5	26.2	CLEAR
44	TA	Aiken	SC	19.5	226.1	CLEAR
44	TA	Martinsburg	WV	19.5	370.1	CLEAR
45	TV	Montgomery	AL	19.5	316.9	CLEAR
45	TV	Winston-Salem	NC	19.5	179.3	CLEAR
45	TV	Chattanooga	TN	19.5	128.5	CLEAR
46	TV	Atlanta	GA	19.5	187.7	CLEAR
46	TV	Lexington	KY	19.5	106.1	CLEAR
46	TV	Belmont	NC	19.5	155.9	CLEAR
46	TV	Clarksburg	WV	19.5	264.2	CLEAR
50	TA	Opelika	AL	19.5	282.0	CLEAR
50	TA	Ashland	KY	19.5	147.5	CLEAR
50	TA	Cullowhee	NC	19.5	75.7	CLEAR
50	TV	Raleigh	NC	19.5	271.7	CLEAR
50	TV	Hendersonville	TN	19.5	161.3	CLEAR
50	TV	Memphis	TN	19.5	360.2	CLEAR
50	TA	Weirton	WV	19.5	317.9	CLEAR

Chan	Srvs	City	St	Req	Actual	Status
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IF Beat & Intermod CHANNELS

51	TA	Young Harris	GA	19.5	107.6	CLEAR
51	TA	Hopkinsville	KY	19.5	218.6	CLEAR
51	TA	Pikeville	KY	19.5	91.4	CLEAR
52	TA	Tuscumbia	AL	19.5	260.4	CLEAR
52	TA	Albany	GA	19.5	338.2	CLEAR
52	TA	Carnesville	GA	19.5	145.3	CLEAR
52	TV	Owenton	KY	19.5	157.6	CLEAR
53	TV	Bowling Green	KY	19.5	174.7	CLEAR
53	TA	Rockingham	NC	19.5	238.7	CLEAR
53	TV	Cleveland	TN	19.5	131.1	CLEAR
56	TA	Arab	AL	19.5	220.9	CLEAR
56	TV	Danville	KY	19.5	109.8	CLEAR
56	TA	Franklin	NC	19.5	88.9	CLEAR

OSCILLATOR & SOUND CHANNELS

41	TV	Demopolis	AL	59.5	373.4	CLEAR
41	TA	Flintstone	GA	59.5	145.1	CLEAR
41	TV	Macon	GA	59.5	255.4	CLEAR
41	TV	Louisville	KY	59.5	180.3	CLEAR
41	TA	Georgetown	SC	59.5	323.0	CLEAR
41	TA	Johnson City	TN	59.5	69.5	CLEAR
41	TA	Union City	TN	59.5	304.4	CLEAR
41	TA	Wheeling	WV	59.5	293.6	CLEAR
55	TA	Gulf Shores	AL	59.5	487.6	CLEAR
55	TV	Cordele	GA	59.5	314.2	CLEAR
55	TV	Rock Hill	SC	59.5	155.9	CLEAR
55	TA	Crossville	TN	59.5	87.9	CLEAR

Chan	Srvs	City	St	Req	Actual	Status
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OSCILLATOR & SOUND CHANNELS

34	TV	Ozark	AL	59.5	380.3	CLEAR
34	TV	Athens	GA	59.5	155.2	CLEAR
34	TV	Baxley	GA	59.5	332.8	CLEAR
34	TV	Campbellsville	KY	59.5	107.3	CLEAR
34	TA	Raleigh	NC	59.5	280.7	CLEAR
62	TA	Birmingham	AL	59.5	273.1	CLEAR
62	TA	Lexington	KY	59.5	120.4	CLEAR
62	TV	Asheville	NC	59.5	83.9	CLEAR
62	TV	Fayetteville	NC	59.5	276.0	CLEAR

PICTURE IMAGE CHANNELS


33	TV	Tuscaloosa	AL	74.5	316.9	CLEAR
33	TA	Valdosta	GA	74.5	388.2	CLEAR
33	TV	Asheville	NC	74.5	85.0	CLEAR
33	TV	Florence	SC	74.5	263.9	CLEAR
33	TA	McMinnville	TN	74.5	137.2	CLEAR
33	TV	Huntington	WV	74.5	159.7	CLEAR
63	TA	Montgomery	AL	74.5	321.2	CLEAR
63	TV	Monroe	GA	74.5	189.0	CLEAR
63	TV	Sumter	SC	74.5	227.3	CLEAR
63	TV	Sumter	SC	74.5	255.9	CLEAR

In Recapitulation

Pursuant to Section 1.401 of the Rules of the Commission, the Petitioner herein respectfully requests the institution of rule making proceedings looking toward the amendment of Section 73.606(b) of its rules and regulations so as to ADD Commercial Television Channel 48 to Tazewell, Tennessee. As shown the proposed allocation is in accordance with the Commission's Rules relating to such allocations and specifically in relation to Sections 73.610 and Table II, 73.698. Further, it has been shown that the allocation sought is not precluded by the 1987 "freeze".

WHEREFORE, the premises fully considered and for the foregoing reasons, it is respectfully requested that the Commission amend the Television Table of Assignments, Section 73.606(b) to ADD Channel 48 to Tazewell, Tennessee as expeditiously as possible.

Respectfully submitted this 10th day of MAY, 1995.

A handwritten signature in black ink, appearing to read 'James F. Stair, II', written over a horizontal line.

**James F. Stair, II {"Petitioner"}
2424 Bainbridge Way
Powell, TN 37849**

AFFIDAVIT

STATE OF TENNESSEE

COUNTY OF ANDERSON

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James F. Stair, II having been first duly sworn and upon oath deposes and states that he has read the foregoing "Petition for Rule Making" and to the best of his knowledge, information, and belief, the aforementioned document is true and conforms to the rules and regulations of the Federal Communications Commission.

Further, James F. Stair, II hereby certifies that:

His qualifications in broadcast allocation matters in relation to Construction Permit and License Applications, petitions, and hearing proceedings are a matter of record before the Federal Communications Commission having been presented and accepted on many occasions over a period in excess of 15 years;

That he holds a lifetime General Radiotelephone license, PG-6-9502, and has been associated with broadcast engineering matters since 1968.

That all accompanying technical reports and exhibits were developed by him personally or under his immediate supervision and that all the information presented therein is true and correct to the best of his knowledge, conviction, and belief and complies with accepted engineering practice and policy and is in strict adherence to the Rules of the Federal Communications Commission.


James F. Stair, II
1st Class PG-6-9502

Subscribed and sworn to before me this 10th day of May 1998,
1995.


Notary Public

My commission expires:

11-21-96